

Serial No.: 10/605,620
Art Unit: 3747
Examiner: BENTON, Jason
Page 2 of 4

REMARKS

No claims have been amended, added, or canceled.

Claims 1-20 remain pending in the application. Reconsideration and allowance of all of the claims are respectfully requested in view of the following remarks.

In the Office Action, the Examiner rejected claims 1-4 and 7 under 35 U.S.C. 102(b) as being anticipated by Warman (4,167,159).

Claim 1 recites a blow-off valve assembly having, *inter alia*, "an actuator disposed in the valve body and configured to electro-mechanically activate the valve under certain conditions independent of coolant pressure."

Warman has a pressure control valve 68 including "a body 70, a thermoactuator 72, a thermoactuated valve 74 and a relief valve 76" (col. 4, lines 31-32). The Applicant would like to point out that the actuator 112 to which the Examiner is referring to in the Office Action is actually a sensing bulb which is part of the thermoactuator 72. The blow-off (or relief) valve 76 of Warman is only activated by coolant pressure not by an actuator as claimed by the Applicant. The thermoactuator 72 does not activate valve 76 (i.e. it is not used to overcome the bias of spring 130). The thermoactuator 72 is used to activate thermoactuated valve 74 in order to open and close orifice 88. Therefore, Warman does not anticipate claim 1 as it does not have an actuator to activate the blow-off valve as claimed by the Applicant.

Furthermore, the actuator of Warman is a thermoactuator, not an electro-mechanical actuator. "The transducer is of a known and commercially available type in which temperature changes sensed by the bulb 112 cause fluid pressure changes inside the bulb, an increase in pressure causing the pin 116 to move axially inwards in the chamber 86" (col. 5, line 68 to col. 6, line 4). It does not electro-mechanically activate a valve as claimed by the Applicant. For this reason also, Warman does not anticipate claim 1. It is therefore respectfully submitted that claim 1 is allowable.

Serial No.: 10/605,620
Art Unit: 3747
Examiner: BENTON, Jason
Page 3 of 4

Dependent claims 2-4 and 7 recite additional features of the invention and are therefore believed to be allowable for the same reasons recited above with respect to claim 1 and for the additional features recited therein.

In the Office Action, the Examiner rejected claims 5, 6, and 8-20 under 35 U.S.C. 103(a) as being unpatentable over Warman in view of Lievre et al. (6,776,126).

Dependent claims 5, 6, and 8 recite additional features of the invention and are therefore believed to be allowable for the same reasons recited above with respect to claim 1 and for the additional features recited therein.

Claim 9 recites an outboard engine having, *inter alia*, "an electro-mechanical actuating assembly configured to impart a force on the blow-off valve sufficient to overcome the sealing bias of the blow-off valve assembly". For the same reasons recited above with respect to claim 1, Warman does not teach or suggest this feature, and although Lievre et al. does teach controlling the coolant based on the temperature and the engine speed, it does not overcome the deficiencies of Warman. For these reasons, claim 9 is allowable over Warman in view of Lievre et al.

Dependent claims 10-14 recite additional features of the invention and are therefore believed to be allowable for the same reasons recited above with respect to claim 9 and for the additional features recited therein.

Claim 15 recites a method of controlling temperature of an outboard marine engine having, *inter alia*, the step of "electro-mechanically opening a blow-off valve to reduce engine temperature when the engine is operating under a second set of conditions". For the same reasons as recited above with respect to claim 9, claim 15 is allowable over Warman in view of Lievre et al.

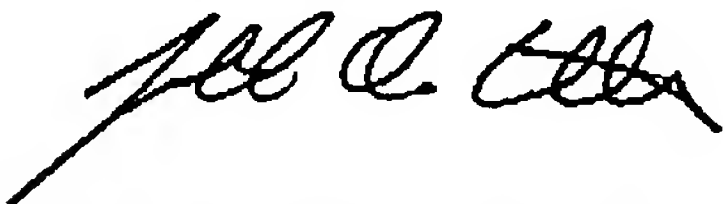
Dependent claims 16-20 recite additional features of the invention and are therefore believed to be allowable for the same reasons recited above with respect to claim 15 and for the additional features recited therein.

Serial No.: 10/605,620
Art Unit: 3747
Examiner: BENTON, Jason
Page 4 of 4

In view of the above remarks, the Applicant respectfully submits that claims 1-20 are allowable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Jonathan D. Cutler, Reg. No. 40,576

Attorney for the Applicant

Tel. (514) 732-7050

Fax (514) 732-7058